

HOUSE BILL NO. 439

INTRODUCED BY D. SANDS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROCESS FOR A CITIZEN TO FILE A COMPLAINT WITH A CHIEF OF POLICE AND A POLICE COMMISSION; REQUIRING A CHIEF OF POLICE TO INVESTIGATE AND DECIDE UPON COMPLAINTS SUBMITTED BY CITIZENS; REQUIRING A POLICE COMMISSION TO HOLD A HEARING IF THE PERSON WHO SUBMITTED THE COMPLAINT IS NOT SATISFIED WITH THE DECISION OF THE CHIEF OF POLICE; AND AMENDING SECTION 7-32-4159, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-32-4159, MCA, is amended to read:

"7-32-4159. Subpoena Role of police commission in hearing citizen complaints -- subpoena authority of police commission. (1) (a) The police commission shall hear and decide upon complaints about police officers and other police department employees brought by citizens.

(b) To file a complaint with the police commission, a person shall provide the chief of police and the police commission with a written complaint that includes the reasons for the complaint and the person's desired outcome of the investigation.

(c) (i) Upon receipt of a written complaint, the police chief or the chief's designee shall provide a copy of the complaint to the police officer or employee about whom the complaint was filed, conduct an investigation, and provide the officer or employee and the person who submitted the complaint with the results of the investigation.

(ii) The investigation and report to the person who submitted the complaint must be completed within 60 days of receipt of the complaint.

(d) The police commission shall review the results of the investigation and provide a record of its agreement or disagreement with the results of the investigation. If the commission disagrees with the results of the investigation, the commission may:

(i) issue a recommendation for further action to the mayor, city manager, or chief executive; or

(ii) request further investigation by another law enforcement agency.

(e) If the person who submitted the complaint is not satisfied with the results of the investigation and the

decision of the chief of police based on the investigation, the person may request a formal hearing before the commission. If requested by the person who submitted the complaint, the commission shall hold a hearing. Based on the information provided at the hearing and the entire record of the complaint, the commission shall make a recommendation for further action to the mayor, city manager, or chief executive.

(2) The presiding officer or acting presiding officer of the police commission may issue subpoenas, attested in its name, to compel the attendance of witnesses at the a hearing required under subsection (1), and any person served with a subpoena is bound to attend in obedience to the subpoena. The police commission has the same authority to enforce obedience to the subpoena and to punish the disobedience to the subpoena as is possessed by a judge of the district court in similar cases. However, punishment for disobedience is subject to review by the district court of the proper county."

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